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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,241	06/19/2001	Bert L. Fransis	P2300CIP	4994

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CENTRAL COAST PATENT AGENCY  
PO BOX 187  
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EXAMINER

TRAN, PABLO N

ART UNIT PAPER NUMBER

2685

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/885,241

Applicant(s)

FRANSIS, BERT L.

Examiner

Pablo N Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Baldwin et al. (6,560,448).

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As per claims 1, 5-8, 12-15, and 19-22, Baldwin et al. disclose a broadband receiving/transmitting system having an antenna, a conversion integrated circuit (IC) coupled to the antenna by a first interface of the IC, a modulation circuitry coupled to the IC by a second interface of the IC for receiving or transmitting each of the bands at a common intermediate frequency (IF), wherein the conversion IC comprises a first interface for transmitting or receiving signals in a broadband spectrum, sideband selection circuit elements coupled to the first interface for up-conversion or down-conversion of the signals to and from an intermediate frequency (IF), a second interface coupled to the circuit elements for receiving and transmitting at the intermediate frequency (IF), and an on-chip voltage-controlled oscillator (VCO) coupled

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to at least one of the circuit elements through one of frequency multiplication or division circuitry for generating a local-oscillator (LO) signal to that circuit element for conversion between the IF frequency and the receive or transmit frequency in the broadband spectrum (fig. 2, col. 6/ln. 21-col. 7/ln. 11).

As per claims 2, 9 and 16, Baldwin et al. disclose wherein the on-chip VCO is coupled to two or more of the circuit elements, providing a different frequency to each (fig. 2, col. 6/ln. 21-col. 7/ln. 11).

As per claims 3, 10, and 17, Baldwin et al. disclose wherein the broadband spectrum is divided into distinct sub-bands, each coupled to one of the sideband selection circuit elements (fig. 2, col. 6/ln. 21-col. 7/ln. 11).

As per claims 4, 11, and 18, Baldwin et al. disclose wherein the VCO, through frequency multiplication or division provides the LO frequency for up-conversion or down-conversion to three or more of the sideband selection circuit elements (fig. 2, col. 6/ln. 21-col. 7/ln. 11).

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugar et al. (6,728,517), Akamine et al. (6,658,243), Fransis (6,564,045), Underbrink (6,650,879), See (6,693,826), Gomez (6,583,675), Oh et al. (6,539,216), Hatcher et al. (6,535,725), Hikita et al. (56,714,099), Anumula et al. (6,630,860), Takikawa et al. (6,624,509), Rozenblit (6,658,237), Damgaard et al. (6,516,184), Lee et

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al. (6,335,952), Martin (6,498,819), Bezzam et al. (6,115,586), Lau et al. (6,122,506), Haartsen (6,081,697), Meador et al. (5,953,640), Devlin et al. (5,930,686), Kumar (5,835,850), Brueske et al. (5,894,592), Ripley et al. (5,870,670), Kennan (5,649,312), Scheinberg (5,625,307), Rodal (5,564,098), Kitazono et al. (5,525,937), and Nishmura et al. (EP1005155A1) Transmitter/receiver for a disclose radiotelephone communication system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

**PABLO N. TRAN**  
**PRIMARY EXAMINER**

July 10, 2004

  
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